

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEVIN and DR. LUCILLE LEVIN,

Plaintiffs,

-v-

BANK OF NEW YORK, JP MORGAN
CHASE, SOCIETE GENERALE and
CITIBANK,

Defendants.

THE BANK OF NEW YORK MELLON,

Third-Party Plaintiff,

-v-

Third-Party Defendants.

JPMORGAN CHASE BANK, N.A.,

Third-Party Plaintiff,

-v-

Third-Party Defendants.

CAPTION CONTINUED ON NEXT PAGE

(FILED PARTIALLY UNDER SEAL DUE
TO CONFIDENTIAL INFORMATION
PER ORDER DATED JANUARY 21,
2010)

Civ. No. 09 CV 5900 (RPP)

**SUPPLEMENTAL DECLARATION OF
SUZELLE M. SMITH AND EXHIBITS
THERE TO IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT ON CLAIMS FOR
TURNOVER ORDER PHASE ONE
ASSETS AND IN OPPOSITION TO
THE CROSS-MOTIONS FOR PARTIAL
SUMMARY JUDGMENT FILED BY
THE GREENBAUM, ACOSTA AND
HEISER JUDGMENT CREDITORS**

**[Reply Memoranda of Law In Support of
Motion and Opposition to Cross-Motions;
Local Rule 56.1 Responses and
Counterstatements of Undisputed Facts
Filed Concurrently Herewith]**

DATE: September 29, 2010

TIME: 9:30 a.m.

PLACE: Courtroom 24A

SOCIETE GENERALE,

Third-Party Plaintiff,

-v-

[REDACTED]

Third-Party Cross-Claim
Defendant, and

[REDACTED]

Third-Party Defendants.

CITIBANK, N.A.,

Third-Party Plaintiff,

-v-

[REDACTED]

Third-Party Defendants.

THE BANK OF NEW YORK MELLON,
JPMORGAN CHASE, N.A., SOCIETE
GENERALE and CITIBANK, N.A.,

Third-Party Plaintiffs,

-v-

STEVEN M. GREENBAUM, et al.

Third-Party Defendants.

Civ. No. 09 CV 5900 (RPP)

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THE BANK OF NEW YORK MELLON,
JPMORGAN CHASE BANK, N.A.,
SOCIETE GENERALE and CITIBANK,
N.A.,

Third-Party Plaintiffs,

-v-

THE ESTATE OF JAMES SILVIA AND
LYNNE MICHO SPENCER, et al.,

Third-Party Defendants.

Civ. No. 09 CV 5900 (RPP)

**SUPPLEMENTAL DECLARATION OF SUZELLE M. SMITH IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
TURNOVER ORDER PHASE ONE ASSETS PURSUANT TO FED. R. CIV. P. 13, 56
AND 69, CPLR SECTIONS 5225(B), 5232, AND 5234(B), ORDER, DATED JANUARY 11,
2010 AND ORDER, DATED JULY 2, 2010 AND IN OPPOSITION TO THE CROSS-
MOTIONS FOR PARTIAL SUMMARY JUDGMENT FILED BY THE GREENBAUM,
ACOSTA AND HEISER JUDGMENT CREDITORS**

I, SUZELLE M. SMITH, declare as follows:

1. I am a partner with the law firm of Howarth & Smith, and I am counsel for Mr. Jeremy Levin and Dr. Lucille Levin ("Levins"). I was admitted to the State of California bar in 1984, and I am a member in good standing of the State of California bar. I am an elected Fellow and Board member of the International Academy of Trial Lawyers, an elected Fellow of the International Society of Barristers, the American Bar Foundation and of the American Board of Trial Advocates. I am a member of the Board of Trustees of the University of Virginia Law School. I am also a Lecturer in Law and a Visiting Fellow of Lady Margaret Hall, Oxford University. I make this supplemental declaration in support of the Levins' MOTION FOR PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR TURNOVER ORDER PHASE ONE ASSETS PURSUANT TO FED. R. CIV. P. 13, 56 AND 69, CPLR SECTIONS 5225(B), 5232,

AND 5234(B), ORDER, DATED JANUARY 11, 2010, AND ORDER, DATED JULY 2, 2010, AND IN OPPOSITION TO THE CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT FILED BY THE GREENBAUM, ACOSTA AND HEISER JUDGMENT CREDITORS.

2. Attached as Exhibit 1 of this declaration is a true and correct copy of the Order entered September 13, 2010 by the Honorable Victor Marrero of the Southern District of New York Court in *Hausler v. JPMorgan Chase N.A., Citibank, N.A., UBS AG, The Royal Bank of Scotland, N.V., and Bank of America, N.A.*, Case No. 09-10289 (S.D.N.Y. Sep. 13, 2010) (“Hausler Opinion”).

3. Attached as Exhibit 2 of this declaration is a true and correct copy of the Order entered October 11, 2002 by the United States District Court for the Southern District of Florida in *Aruba v. Sanchez*, No. 01-830, 2002 WL 32494663 (S.D. Fla. Oct. 11, 2002).

4. Attached as Exhibit 3 is a true and correct copy of a January 14, 2009 letter from William P. Fritzlen, Attorney Adviser, Office of Policy Review and Interagency Liaison to Nancy Mayer-Whittington, United States District Court For the District of Columbia, indicating completion of service of the Levins’ judgment in compliance with 28 U.S.C. 1608(a)(4) by way of transmission of the Levins’ Judgment along with enclosures to the Iranian Ministry of Foreign Affairs under cover of diplomatic notes.

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5. Attached as Exhibit 4 is a true and correct copy of a January 31, 2007 alert put out by the law firm of Schulte Roth & Zabel LLP indicated that [REDACTED]

[REDACTED] accounts had been blocked pursuant to Executive Order 13382.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of September 2010, at Los Angeles, California.

/s/Suzelle M. Smith
Suzelle M. Smith
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Attorneys for Plaintiffs